

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In the Matter of the Application of ORLY
GENGER to Remove Dalia Genger as Trustee of
the Orly Genger 1993 Trust Established on
Dec.13, 1993 by Arie Genger, grantor.

SDNY Case No. 19-cv-9319 (AKH)

Orly Genger, beneficiary of The Orly Genger
1993 Trust,

Petitioner,

- against -

Dalia Genger, as trustee of The Orly Genger
1993 Trust, and The Sagi Genger 1993 Trust,

Respondents.

N.Y. Cty. Surrogate's Court File
No.: 2008-0017

OPPOSITION TO MOTION TO TRANSFER

The motion to transfer this matter to the United States Bankruptcy Court for the Western District of Texas is moot because that court has transferred the pending bankruptcy action to the Southern District of New York.

Specifically, on October 8, 2019, the Western District of Texas Bankruptcy Trustee (through counsel) had removed this matter from Surrogate's Court to the Southern District of New York. (Dkt. no. 1.) Then, on October 14, 2019, the Trustee filed the instant motion to transfer the matter to Texas. (Dkt. no. 3.)

Meanwhile, there was a motion pending in Texas to transfer venue to the Southern District of New York (Bankr. W.D.Tx., No. 19-10926, dkt. #129), which was granted yesterday, November 5, 2019. In light of the Texas court's ruling, the instant motion to transfer is moot. Counsel to the W.D. Tex. Bankruptcy Trustee has since indicated that such motions to transfer

would be withdrawn from this proceeding, as well as the related proceeding, *Genger v. Genger*, Case No. 1:19-cv-9365 (AKH) (S.D.N.Y.).

Furthermore, as will be detailed in the undersigned's forthcoming motion to remand, these petitions should be returned to the New York Surrogate's Court.

Dated: November 6, 2019
New York, NY

Respectfully submitted,

POLLOCK COHEN LLP

By: /s/ Adam Pollock

Adam Pollock
60 Broad St., 24th Fl.
New York, NY 10004
(212) 337-5361
Adam@PollockCohen.com
*Attorneys for The Orly Genger 1993 Trust,
through Michael Oldner, Trustee*

To (via ECF):

Michael Paul Bowen, Esq.
Kasowitz Benson Torres LLP
1633 Broadway
New York, NY 10019
Counsel to the former Bankruptcy Trustee

To (via email):

Andrew R. Kurland, Esq.
Kasowitz Benson Torres LLP
1633 Broadway
New York, NY 10019
Counsel to the former Bankruptcy Trustee

John Dellaportas, Esq.
Emmet Marvin & Martin LLP
120 Broadway, 32nd Floor
New York, NY 10271
Counsel to Sagi Genger 1993 Trust & Sagi Genger

Steven Riker, Esq.
Law Office of Steven Riker
One Grand Central Place, 46th Floor
New York, NY 10165
Guardian Ad Litem

Judith Bachman, Esq.
The Bachman Law Firm PLLC
365 S. Main Street, 2nd Floor
New City, NY 10956
Attorneys for Dalia Genger